

REMARKS

The claims 7-10 and 12-14 are rejected under 35 U.S.C. § 112, first paragraph, for reasons noted in the official action. The Applicant amended independent claims 7, 9 and 12 to recite the nomenclature (Mn) as presented in the originally filed claims. Such amendment is believed to overcome the raised 35 U.S.C. § 112, first paragraph, rejections. If any further amendment to the claims is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

Next, claims 5-9 and 12 are rejected, under 35 U.S.C. § 102(b), as being anticipated or, in the alternative, under 35 U.S.C. § 103 (a) as obvious over Hansen '323 while claims 10, 11, 13 and 14 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over WO '396. The Applicant acknowledges and respectfully traverses the raised anticipatory obviousness rejections in view of the following remarks.

Each one of the independent claims is amended, in view of the above claim amendments, to clearly exclude a tackifier from being present as part of the hot melt sealing composition. As a result of the entered claim amendments, Examples 1 and 4 of the pending specification, which both contain a tackifier, are not covered by the presently pending claims. In addition, the presently claimed hot melt sealing composition now covers a composition having a compressive set of 50% or less, instead of 90% as previously recited. Each one of the independent claims is amended to recite the lower limit for the compression set, namely, 50% or less.

The Applicant draws the Examiner's attention to the fact that there is a difference between a tackifier and a viscosity adjuster. The Examiner's attention is directed to the fact that if the tackifier content is high, a high compression set is obtained which results in difficulty in peelability, making the work pieces or members difficult to separate or disassemble if the need arises, as can be seen from the pending disclosure. In contrast, the viscosity adjuster is selected to thicken the composition such that the composition is sufficiently hard without being brittle while maintaining a sufficiently high compression set.

In summary, independent claims 5 and 9 of this application now recite the features of "a hot melt sealing composition, without any tackifier.....the hot melt sealing composition having a compression set of 50% or less after being compressed for 5 days at a temperature of 80°C when measured by a measuring method in accordance with provisions of JISK6262". While independent claims 7 and 12 of this application now recite the features of "[a] method of assembling members using a hot melt sealing composition composition, without any tackifier....the hot melt composition has a compression set of 50% or less after being compressed for 5 days at a temperature of 80°C when measured in accordance with JISK6262." Such features are believed to order to distinguish clearly the presently claimed invention from and the applied art as well as all of the remaining art of record.

Neither Hansen '323 nor WO '396 is believed to in any way teach, suggest or disclose such features. As such, the raised 35 U.S.C. § 102(b) and 103 rejections, in view of Hansen '323 and/or WO '396 should be withdrawn at this time.

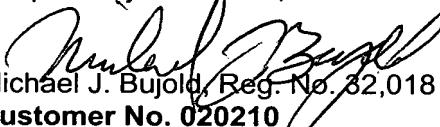
In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Hansen '323 and/or the WO '396 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

09/888,344

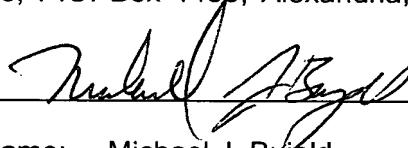
In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis & Bujold, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester NH 03101-1151
Telephone 603-624-9220
Facsimile 603-624-9229
E-mail: patent@davisandbujold.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.
September 29, 2003.

By: 

Print Name: Michael J. Bujold